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pediped Infant Footwear LLC

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

PEDIPED INFANT FOOTWEAR LLC,

CASE NO. 08-CIV-3572 (LTS)

Plaintiff,

v.

KUDOS LEATHERGOODS LTD d/b/a  
JACK AND LILY and ROBERT THOMAS  
BUELL, Individually,

Defendants.

**CERTIFICATE OF SERVICE**

The undersigned associate of the attorneys named above does hereby certify that on this 20th day of June, 2008, service of true and correct copies of the Order Granting Preliminary Injunction and exhibits in the above-captioned case was made upon (1) Roderick H. McCloy and Seema Lal, Shapiro Hankinson & Knutson Law Corporation, 700-555 Burrard Street, Vancouver, BC V7X 1M8, by facsimile to 604-684-7094 and email to [rhm@shk.ca](mailto:rhm@shk.ca) and

slal@shk.ca; (2) Kudos Leathergoods Ltd d/b/a Jack and Lily, 720 Alexander Street, Vancouver, BC V6A 1E3, by facsimile to 604-254-6333 and email to info@jackandlily.com; and (3) Robert Thomas Buell, 7370 Laburnum Street, Vancouver, BC V6P 5N3, by facsimile to 604-254-6333 and email to info@jackandlily.com.

In addition, the undersigned hereby certifies that on this 20th day of June, 2008, service of true and correct copies of the Order Granting Preliminary Injunction and exhibits in the above-captioned case was requested upon Kudos Leathergoods Ltd d/b/a Jack and Lily at 720 Alexander Street, Vancouver, BC V6A 1E3; Robert Thomas Buell in his individual capacity at 720 Alexander Street, Vancouver, BC V6A 1E3; and Robert Thomas Buell in his individual capacity at 7370 Laburnum Street, Vancouver, BC V6P 5N3, pursuant to the Convention on the Service abroad of judicial and extrajudicial documents in civil or commercial matters, signed at The Hague, November 15, 1965.



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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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PEDIPED INFANT FOOTWEAR LLC,

Plaintiff,

-v-

No. 08 Civ. 3572 (LTS)(THK)

KUDOS LEATHERGOODS LTD. d/b/a  
Jack and Lily, and ROBERT THOMAS BUELL,  
Defendants.

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**ORDER GRANTING PRELIMINARY INJUNCTION<sup>1</sup>**

For the reasons stated on the record of the June 19, 2008, hearing before the  
undersigned on Plaintiff's application for preliminary injunctive relief, it is hereby ORDERED, that:

Defendants, their officers, agents, servants, employees, franchisees, licensees,  
attorneys, parents, subsidiaries, related companies, and all others in active concert with Kudos  
Leathergoods Ltd d/b/a Jack and Lily, Robert Thomas Buell, and/or one or more of the foregoing, and  
each of them, who receive actual notice of this Order, are hereby preliminarily restrained and  
enjoined, pending the final resolution of Plaintiff's claims for injunctive relief, from manufacturing,  
advertising, offering for sale, selling, distributing, marketing, transporting, delivering, or in any way  
attempting to sell or resell the products and packaging identified in Exhibit A and any products or  
packaging embodying trade dress compromising a substantial portion of the following:

- A. with respect to design, a black sole with highly visible white hand-stitching, spaced to

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<sup>1</sup> *The ECF system provides notice of the entry of this Order to each party that has both entered an appearance in this case and registered with ECF. The ECF-registered attorneys are responsible for providing notice to any co-counsel whose e-mail addresses are not reflected on the ECF docket for this case, and Plaintiff's counsel, upon receiving notice of this Order, is hereby ordered to fax or otherwise deliver promptly a copy to all parties who are not represented by ECF-registered counsel. A certificate of such further service shall be filed within 5 days from the date hereof. Counsel who have not registered for ECF are ordered to register immediately as filing users in accordance with the Procedures for Electronic Case Filing.*

create a stylized rippled effect around the entire shoe; a profile which creates an asymmetrical, rounded-boxy and formed look; a roomy toe box; a sole visually small compared to the upper; and a white sewn-in tag on the end of the Velcro strap, such characteristics being illustrated by Exhibit B hereto;

- B. with respect to packaging, a sturdy, purple, textured, and hinged box with a clear plastic window; the logo and tag line situated above the plastic window, with the tag line printed in smaller font; a description of the product positioned at the bottom of the box, below the window; the left and right sides of the box adjoining the window of equal proportion to each other; the top portion of the box adjoining the window more than twice the height of the bottom portion of the box adjoining the window, and the logo and company information on the back of the box, and a cloth carrying handle on the top of the box, such characteristics being illustrated by Exhibit C hereto;

and further that Plaintiff shall post security in the amount of \$25,000 with the Clerk of Court within three (3) days of the entry of this Order.

This Order terminates Docket Entry No. 9.

SO ORDERED.

Dated: New York, New York

June 19, 2008



LAURA TAYLOR SWAIN  
United States District Judge